

DEPARTMENT OF STATE REVENUE
LETTER OF FINDINGS NUMBER: 94-0875 CSET
CONTROLLED SUBSTANCE EXCISE TAX
FOR TAX PERIODS: 1994

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

1. CONTROLLED SUBSTANCE EXCISE TAX: IMPOSITION

Authority: IC 6-7-3-5, IC 6-8.1-5-1(b).

Taxpayer protests the assessment of Controlled Substance Excise Tax.

Statement of Facts

Taxpayer was arrested for possession of marijuana. The Indiana Department of Revenue issued a Record of Jeopardy Finding, Jeopardy Assessment Notice and Demand on September 30, 1994, in a base tax amount of \$104,644. Taxpayer filed a protest to the assessment. Taxpayer did not appear for a hearing scheduled for January 15, 1999. By letter dated February 27, 2001, Taxpayer was given to March 22, 2001 to submit any evidence. Further facts will be provided as necessary.

Controlled Substance Excise Tax-Imposition

Discussion

IC 6-7-3-5 imposes the Controlled Substance Excise Tax on the possession of marijuana in the State of Indiana. Taxpayer bears the burden of proving that the assessment of tax is incorrect. IC 6-8.1-5-1(b). Since Taxpayer never appeared for a hearing nor submitted additional information, this Letter of Findings is based upon the information in the file.

Taxpayer contests the amount of the tax assessment. Specifically, Taxpayer contends that the marijuana involved was less than the 2,616.10 grams on which tax was assessed. Taxpayer did not, however, offer any evidence to support that contention. Therefore, Taxpayer did not sustain his burden of proving that the assessment of Controlled Substance Excise Tax was incorrect.

Finding

Taxpayer's protest is denied.